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09/829,389	04/09/2001	Andreas Hartinger	2000 P 08547 US	1707

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EXAMINER

SON, LINH L D

ART UNIT PAPER NUMBER

2135

DATE MAILED: 05/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/829,389

Applicant(s)

HARTINGER ET AL.

Examiner

Linh LD Son

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 10-29 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 10-29 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 01/05.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: ____.

DETAILED ACTION

1. This written action is responding to the amendment received on January 25th, 2005.
2. Claims 1-9 are canceled. Independent Claims 10, 25, 26, 27, and 28 are amended.
3. Claims 10-29 are pending.

Claim Rejections - 35 USC § 101

4. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 10-29 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The exemplary claim 10 recites steps of controlling authorization to use a software component of a computer system, where each of the steps could be done without any technology involvement. For instance, step (a) recites a method of reading an identification code from a computer-readable data medium. A person can read the identification code outside of the computer-readable data medium. Step (b), the person goes look for the license information. Step (c), the person generating an identification number from the hardware identification code and the license information by means of a simple encoding algorithm; and Step (d), the person hand-carries the generated identification number to the computer system

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by feeding it in a scanner to convert the paper information into digital information.

Similar interpretation can be applied to other claims.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 10-29 are rejected under 35 U.S.C. 102(e) as being anticipated by Sigbjornsen et al, US Publication 6266416B1, hereinafter "Sigbjornsen".

7. As per claim 10, Sigbjornsen discloses "A method for controlling authorization to use a software component of a computer system, the method comprising the steps of:

a. accessing a unique hardware identification code from a computer-readable data medium associated with the computer system" in (Col 5 lines 25-35, and lines 45-51), "the code accessed from a portion of the data medium that is readable but not writeable" in (Col 5 lines 45-51); "accessing license information for the software component" in (Col 8 lines 25-30); "generating an identification number from the hardware identification code and the license information by means of an encoding algorithm" in (Col 6 lines 35-67); and "transmitting the identification number to the

computer system on which the software component runs; whereby authorization to use the software component is allowed for the computer system associated with the computer-readable data medium and not allowed for a second computer system not associated with the computer-readable data medium having the unique hardware identification code accessed from a portion of the data medium that is readable but not writeable" in (Col 7 lines 10-24).

8. As per claim 11, Sigbjornsen discloses "The method according to claim 10, wherein additional information is used by the encoding algorithm to generate the identification number" in (Col 6 lines 45-67).

9. As per claim 12, Sigbjornsen discloses "The method according to claim 10, wherein a plurality of identification numbers can be generated for one hardware identification code.

10. As per claim 13, Sigbjornsen discloses "The method according to claim 10, wherein at least one identification number is stored in a readable and writeable area of the data medium" in (Col 1 lines 34-40).

11. As per claim 14, Sigbjornsen discloses "The method according to claim 10, wherein additional information may be stored on the data medium" in (Col 5 lines 45-54).

12. As per claim 15, Sigbjornsen discloses "The method according to claim 14, wherein the additional data stored on the data medium comprises at least one element selected from the group consisting of: license information, licensor identification, and software programs" in (Col 5 lines 45-54).

13. As per claim 16, Sigbjornsen discloses "The method according to claim 10, wherein the data medium comprises a component of the computer system" in (Col 5 lines 30-35).

14. As per claim 17, Sigbjornsen discloses "The method according to claim 10, wherein the data medium comprises a memory card" in (Col 1 lines 34-40, input/output unit of the smart card is the memory unit).

15. As per claim 18, Sigbjornsen discloses "the method according to claim 17, wherein the memory card comprises a multimedia card" in (Col 5 lines 25-35, and Col 1 lines 34-40).

16. As per claim 19, Sigbjornsen discloses "The method according to claim 10, wherein the data medium comprises a key which contains information" in (Col 6 lines 43-45).

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17. As per claim 20, Sigbjornsen discloses "The method according to claim 19, wherein the key comprises a dongle" in (Col 1 lines 34-40).

18. As per claim 21, Sigbjornsen discloses "The method according to claim 10, wherein the computer system comprises a control unit" in (Col 5 lines 25-35).

19. As per claim 22, Sigbjornsen discloses "The method according to claim 10, wherein the identification number is checked by means of a decoding algorithm" in (Col 7 lines 30-50).

20. As per claim 23, Sigbjornsen discloses "The method according to claim 10, wherein checking for unauthorized use of the software component is performed during startup of the software component" in (Col 7 lines 10-24).

21. As per claim 24, Sigbjornsen discloses "ne method according to claim 10, wherein checking for unauthorized use of the software component is performed periodically during use of the software component" in (Col 8 lines 15-35).

22. As per claim 25, Sigbjornsen discloses "A method for controlling authorization to use a software component of a computer system, the method comprising the steps of:
a. accessing a unique hardware identification code from a computer-readable data medium associated with the computer system" in (Col 5 lines 25-35, and lines 45-51),

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"the code accessed from a portion of the data medium that is readable but not writeable" in (Col 5 lines 45-51); "b. accessing license information for the software component" in (Col 8 lines 25-30); "c. generating an identification number from the hardware identification code and the license information by means of an encoding algorithm" in (Col 6 lines 35-67); "d. transmitting the identification number to the computer system on which the software component runs; checking the identification number by means of a decoding algorithm" in (Col 7 lines 10-24, and Col 8 lines 15-40); and "f7. if the decoded identification number matches the encoded information, permitting a user to utilize the software component; or t2. if the decoded identification number does not match the encoded information, restricting the user from access to the software component; whereby authorization to use the software component is allowed for the computer system associated with the computer-readable data medium and not allowed for a second computer system not associated with the computer-readable data medium having the unique hardware identification code accessed from a portion of the data medium that is readable but not writeable" in (Col 7 lines 10-24, and Col 8 lines 15-45).

23. As per claims 26-29, Sigbjornsen discloses "A computer readable medium for controlling a computer to determine authorization to use a software component in the computer" in (Col 5 lines 25-35, and lines 45-51), "the computer having access to instructions for performing the steps of: a. accessing a unique hardware identification code from a computer-readable data medium of associated with the computer s the

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code accessed from a portion of the data medium that is readable but not writeable” in (Col 5 lines 45-51); “accessing license information for the software component; generating an identification number from the hardware identification code and the license information by means of an encoding algorithm” in (Col 8 lines 25-30); “and d. transmitting the identification number to the computer on which the software component runs in (Col 7 lines 10-24, and Col 8 lines 15-40); “whereby authorization to use the software component is allowed for the computer associated with computer-readable data medium and not allowed for a second computer not associated with the computer-readable data medium having the unique hardware identification code accessed from a portion of the data medium that is readable but not writeable” in (Col 7 lines 10-24, and Col 8 lines 15-45).

Response to Amendment

24. Applicant has amended claims 10, 25, 26, 27, and 28, which necessitated new grounds of rejection. See Rejections above.

Conclusion

25. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Conclusion

26. Any inquiry concerning this communication from the examiner should be directed to Linh Son whose telephone number is (571)-272-3856.


27. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor Kim Y. Vu can be reached at (571)-272-3859. The fax numbers for this group are (703)-872-9306 (official fax). Any inquiry of general nature or relating to the status of this application or proceeding should be directed to the group receptionist whose telephone number is (571)-272-2100.

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28. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PMR or Public PMR. Status information for unpublished applications is available through Private PMR only. For more information about the PAIR system, see <http://pzr-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Linh LD Son

Patent Examiner



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SUPERVISORY PATENT EXAMINER
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